

FEB 22 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 75/673949

APPLICANT: ON-SITE TRADING, INC.

75673949

CORRESPONDENT ADDRESS:

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RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include
the words "Box Responses - No Fee."

MARK: THE ON-SITE TRADER

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 75/673949

Applicant is requesting reconsideration of a final refusal dated May 2, 2000.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The examining attorney in an office action requested that the applicant provided a disclaimer of the wording THE ON-SITE TRADER on the grounds that the wording is merely descriptive of the services. The applicant traversed the examining attorney's requirement that a disclaimer be made of record. The applicant argues that the mark is suggestive and not merely descriptive of the goods. The examining attorney not persuaded by the applicant's arguments made FINAL the requirement to provide a disclaimer in an office action mailed on May 2, 2000. The examining attorney made of record entries from Lexis Nexis that demonstrated the descriptive nature of the term, ON -SITE TRADER, in relation to the services as set out in the application.

The applicant filed a Notice of Appeal on November 2, 2000. On or about January 2, 2001, the applicant filed a submission styled as an Appeal Brief with The Trademark Trial and Appeal Board. In the appeal, the applicant offered an amendment to the recitation of services. The Board suspended the appeal and sent the file to the examining attorney for reconsideration of the amendment. The examining attorney considered the appeal and refused to accept the amendment in an office action dated May 22, 2001. The examining attorney found that the amendment exceeded the scope of the original amendment.

Accordingly, applicant's request for reconsideration is *denied*. The examining attorney for continued prosecution returns the file to the Trademark Trial and Appeal Board.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

Kenneth Dale Battle
Trademark Examining Attorney
Law Office 111
(571) 272-9124